

RESOLUTION NO. 6625

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

Waverly Land Management

A 15 foot wide Water Line easement, as part of the Winco Development Project.

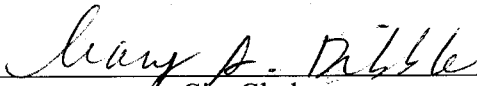
NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage by the Council and approval by the Mayor.

DATED AND EFFECTIVE THIS 12TH DAY OF JULY 2017.


Mayor

ATTEST:


City Clerk

EASEMENT FOR PUBLIC WATER LINE

THIS AGREEMENT, made and entered into this 29TH day of JUNE, 2017, by and between Waverly Land Management, hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

WITNESSETH:

That for and in consideration of the total compensation to be paid by the City, the grantor has this day granted unto the City of Albany, an easement, including the right to enter upon the real property hereinafter described, and to maintain and repair public water lines for the purpose of providing public water service access across and through the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said public water line and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public water line.

This agreement is subject to the following terms and conditions:

1. The easement hereby granted consists of:

See legal description on attached Exhibit A and easement maps on attached Exhibits B and C.
2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
3. The easement granted is in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantor does hereby covenant with the City that they are lawfully seized and possessed of the real property above-described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
5. Upon performing any maintenance, the City shall return the site to original or better condition.
6. No permanent structure shall be constructed on this easement.

IN WITNESS WHEREOF, the Grantors have hereunto fixed their hand and seal the day and year written below.

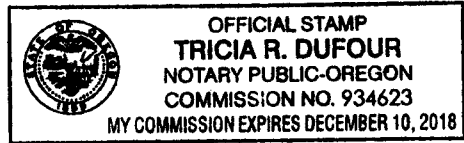
GRANTOR: Waverly Land Management

Dennis Ropp
Dennis Ropp

STATE OF OREGON
County of Linn

The foregoing instrument was acknowledged before me this 1 day of June 2017,
by Dennis Ropp on behalf of Waverly Land Management as his voluntary act and deed.

Tricia R. Dufour
Notary Public – State of Oregon

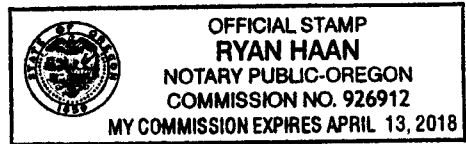


Howard Ropp
Howard Ropp

STATE OF OREGON
County of Linn

The foregoing instrument was acknowledged before me this 18th day of May 2017,
by Howard Ropp on behalf of Waverly Land Management as his voluntary act and deed.

Ryan Haan
Notary Public – State of Oregon



Vilas Ropp
Vilas Ropp

STATE OF OREGON
County of Linn

The foregoing instrument was acknowledged before me this _____ day of _____ 2017,
by Vilas Ropp on behalf of Waverly Land Management as his/her voluntary act and deed.

Notary Public – State of Oregon

IN WITNESS WHEREOF, the Grantors have hereunto fixed their hand and seal the day and year written below.

GRANTOR: Waverly Land Management

Dennis Ropp

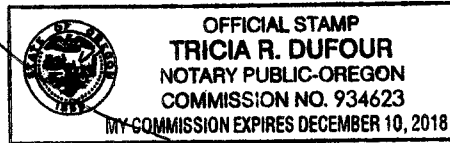
Dennis Ropp

STATE OF OREGON
County of Linn

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Tricia R. Dufour

Notary Public – State of Oregon



Howard Ropp

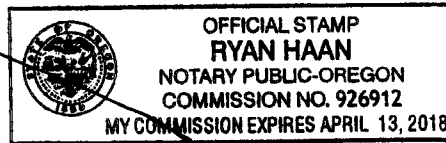
Howard Ropp

STATE OF OREGON
County of Linn

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Ryan Haan

Notary Public – State of Oregon



Vilas Ropp

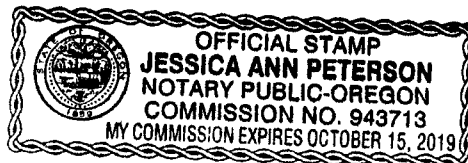
Vilas Ropp

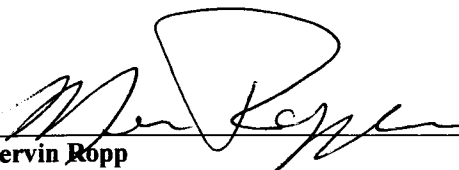
STATE OF OREGON
County of Linn

The foregoing instrument was acknowledged before me this 26th day of June 2017,
by Vilas Ropp on behalf of Waverly Land Management as his/her voluntary act and deed.
*which is an easement for public water line for Parcel 2
partition Plot no. 2015-03 - 15 ft easement around winco bldg.*

Jessica Peterson

Notary Public – State of Oregon





Mervin Ropp

STATE OF OREGON
County of Linn

which is an easement for public water line for Parcel 2 Partition Plot No. 2015-02,

The foregoing instrument was acknowledged before me this 20th day of June 2017,
by Mervin Ropp on behalf of Waverly Land Management as his voluntary act and deed.



Notary Public – State of Oregon

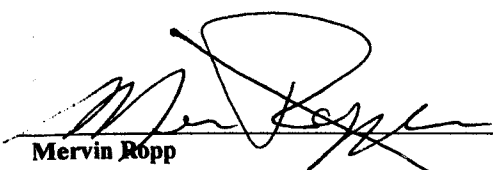


Lawrence Ropp

STATE OF OREGON
County of Linn

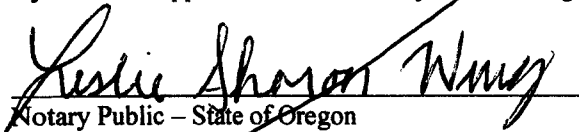
The foregoing instrument was acknowledged before me this _____ day of _____ 2017,
by Lawrence Ropp on behalf of Waverly Land Management as his voluntary act and deed.

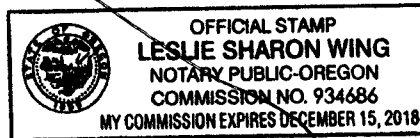
Notary Public – State of Oregon


Mervin Ropp

STATE OF OREGON
County of Linn

which is an easement for public water line for Parcel 2 Partition Plot No. 2015-02,
The foregoing instrument was acknowledged before me this 20th day of June 2017,
by Mervin Ropp on behalf of Waverly Land Management as his voluntary act and deed.

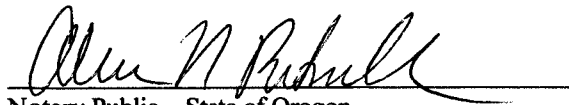

Notary Public – State of Oregon

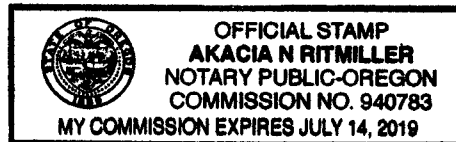



Lawrence Ropp

STATE OF OREGON
County of Linn

which is an easement for public water line for Parcel 2 Partition Plot no. 2015-02,
The foregoing instrument was acknowledged before me this 23rd day of June 2017,
by Lawrence Ropp on behalf of Waverly Land Management as his voluntary act and deed.


Notary Public – State of Oregon



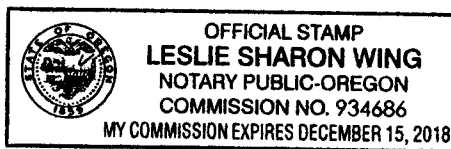
Mavis Peterson
Mavis Peterson

STATE OF OREGON
County of Linn

which is an easement for public water line for Parcel 2 Partition
Plot 16 2015-02,

The foregoing instrument was acknowledged before me this 20th day of June 2017,
by Mavis Peterson on behalf of Waverly Land Management as his/her voluntary act and deed.

Leslie Sharon Wing
Notary Public - State of Oregon



~~_____
Reynold Ropp~~

~~STATE OF OREGON
County of Linn~~

~~The foregoing instrument was acknowledged before me this _____ day of _____ 2017,
by Reynold Ropp on behalf of Waverly Land Management as his/her voluntary act and deed.~~

~~_____
Notary Public - State of Oregon~~

~~Mavis Peterson~~

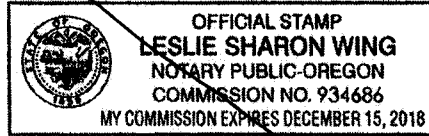
~~Mavis Peterson~~

STATE OF OREGON
County of Linn

*which is an easement for public water line for Parcel 2 Partition
Plat No 2015-02,*

The foregoing instrument was acknowledged before me this 20th day of June 2017,
by Mavis Peterson on behalf of Waverly Land Management as his/her voluntary act and deed.

~~Leslie Sharon Wing~~
Notary Public - State of Oregon



~~Reynold Ropp~~

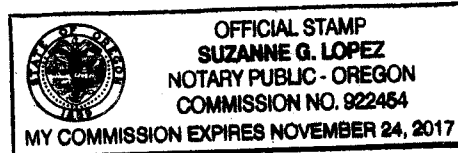
~~Reynold Ropp~~

*EASEMENT FOR PUBLIC WATER LINE
PARCEL 2 PARTITION
PLAT # 2015-02*

STATE OF OREGON
County of Linn

The foregoing instrument was acknowledged before me this 26th day of JUNE 2017,
by Reynold Ropp on behalf of Waverly Land Management as his/her voluntary act and deed.

~~Suzanne G. Lopez~~
Notary Public - State of Oregon

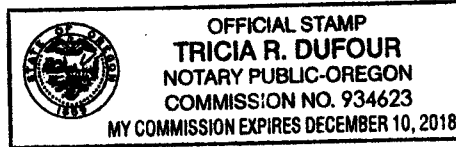


Mark Mitchell
Mark Mitchell

STATE OF OREGON
County of Linn

The foregoing instrument was acknowledged before me this 19th day of May 2017,
by Mark Mitchell on behalf of Waverly Land Management as his voluntary act and deed.

Tricia R. Dufour
Notary Public – State of Oregon



Merle Mitchell
Merle Mitchell

STATE OF OREGON
County of Linn

The foregoing instrument was acknowledged before me this 18th day of May 2017,
by Merle Mitchell on behalf of Waverly Land Management as his voluntary act and deed.

Leslie Sharon Wing
Notary Public – State of Oregon

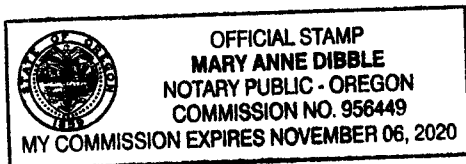


CITY OF ALBANY:

STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Wes Hare as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 6625, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 17 day of July 2017.

Peter Truedsson
City Manager



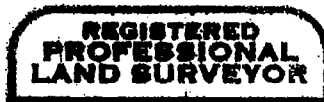
ATTEST:
Mary A. Dibble
City Clerk

Exhibit A

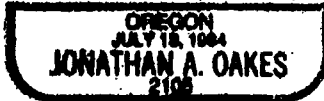
Legal Description for New 15.0' Utility Easement

Winco Foods Store, Albany Oregon

Beginning at a point on the north margin of Killdeer Avenue, said point being South 88°32'25" West 554.44 feet from the Initial Point of Partition Plat No. 2015-02 as platted and recorded in the City of Albany, County of Linn, State of Oregon; thence leaving said north margin and running North 1°27'11" West 290.56 feet; thence North 43°33'18" East 40.66 feet; thence North 88°32'49" East 316.59 feet; thence South 59°42'13" East 6.14 feet; thence South 1°25'46" East 13.00 feet; thence North 88°34'14" East 15.00 feet' thence North 1°25'46" West 9.74 feet; thence North 88°07'50" East 195.79 feet to a point on the west boundary of that certain Sidewalk and Utility Easement recorded October 19,2007 Document No. 2007-24910 Linn County Oregon Official Records; thence along said west boundary North 1°23'20' West 15.00 feet; thence leaving said west boundary and running South 88°07'50" West 188.66 feet; thence North 59°42'14" West 12.42 feet; thence South 88°31'54" West 339.59 feet; thence South 43°33'18" West 25.79 feet; thence North 46°26'42" West 7.50 feet; thence South 43°33'18" West 15.00 feet; thence South 46°26'42" East 7.50 feet; thence South 43°33'18" West 12.30 feet; thence South 1°27'11" East 272.50 feet; thence South 88°32'49" West 25.60 feet; thence South 1°27'11" East 15.00 feet; thence North 88°32'49" East 25.60 feet; thence South 1°27'11" East 9.28 feet to a point on the north margin of Killdeer Avenue; thence North 88°32'25" East 15.00 feet to the point of beginning, all in Linn County Oregon



Jonathan A. Oakes



Expires: Dec 31, 2013

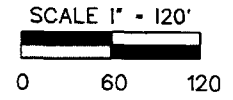
Exhibit B

WINCO FOOD STORES EASEMENTS

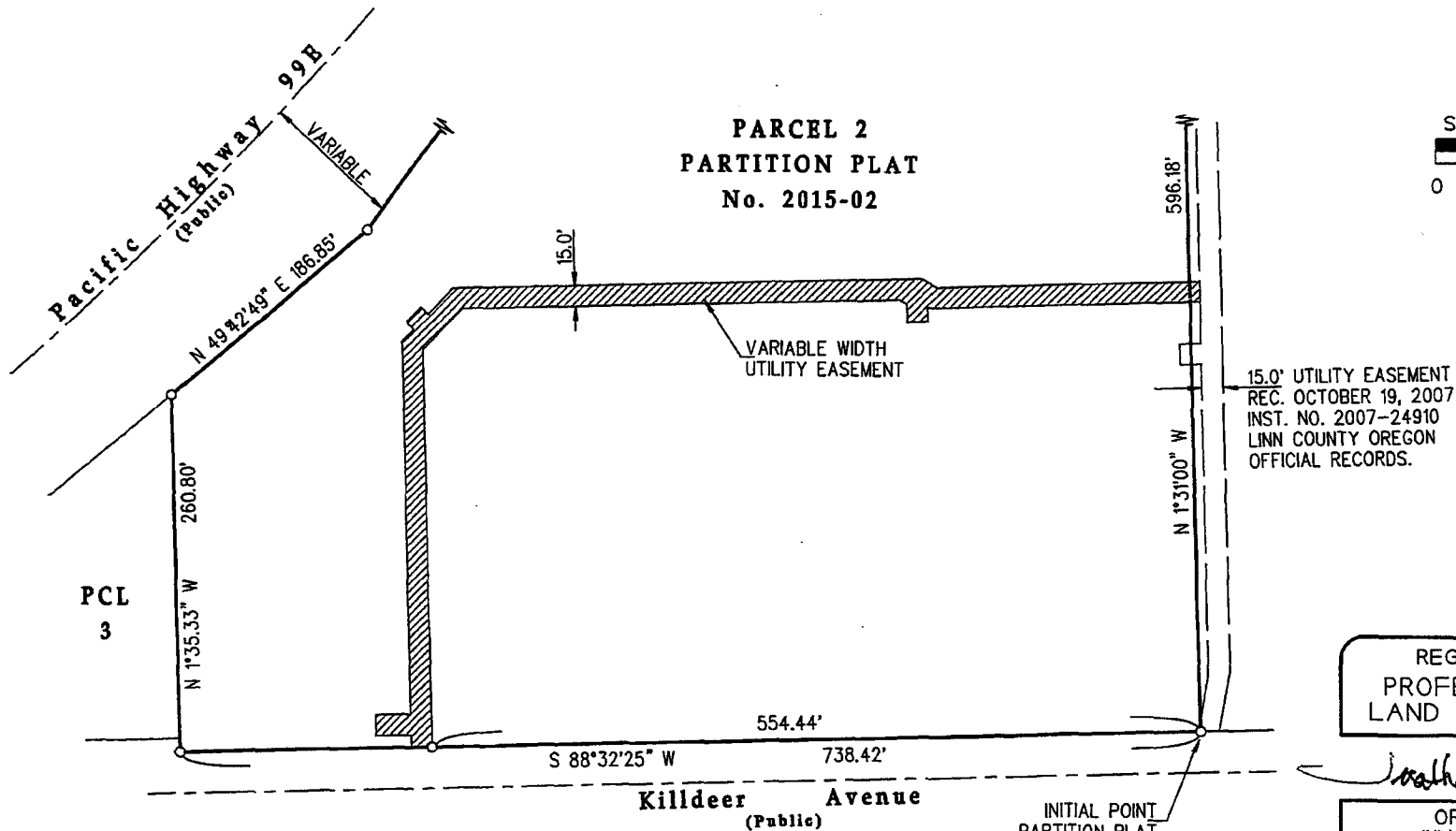
SW 1/4 SEC. 4 T 11 S, R 3 W W.M.

ALBANY, LINN COUNTY, OREGON

MAY 15, 2017



**PARCEL 2
PARTITION PLAT
No. 2015-02**



INITIAL POINT
PARTITION PLAT
NO. 2015-02

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 13, 1984
JONATHAN A. OAKES
2105

EXPIRES: DECEMBER 31, 2018

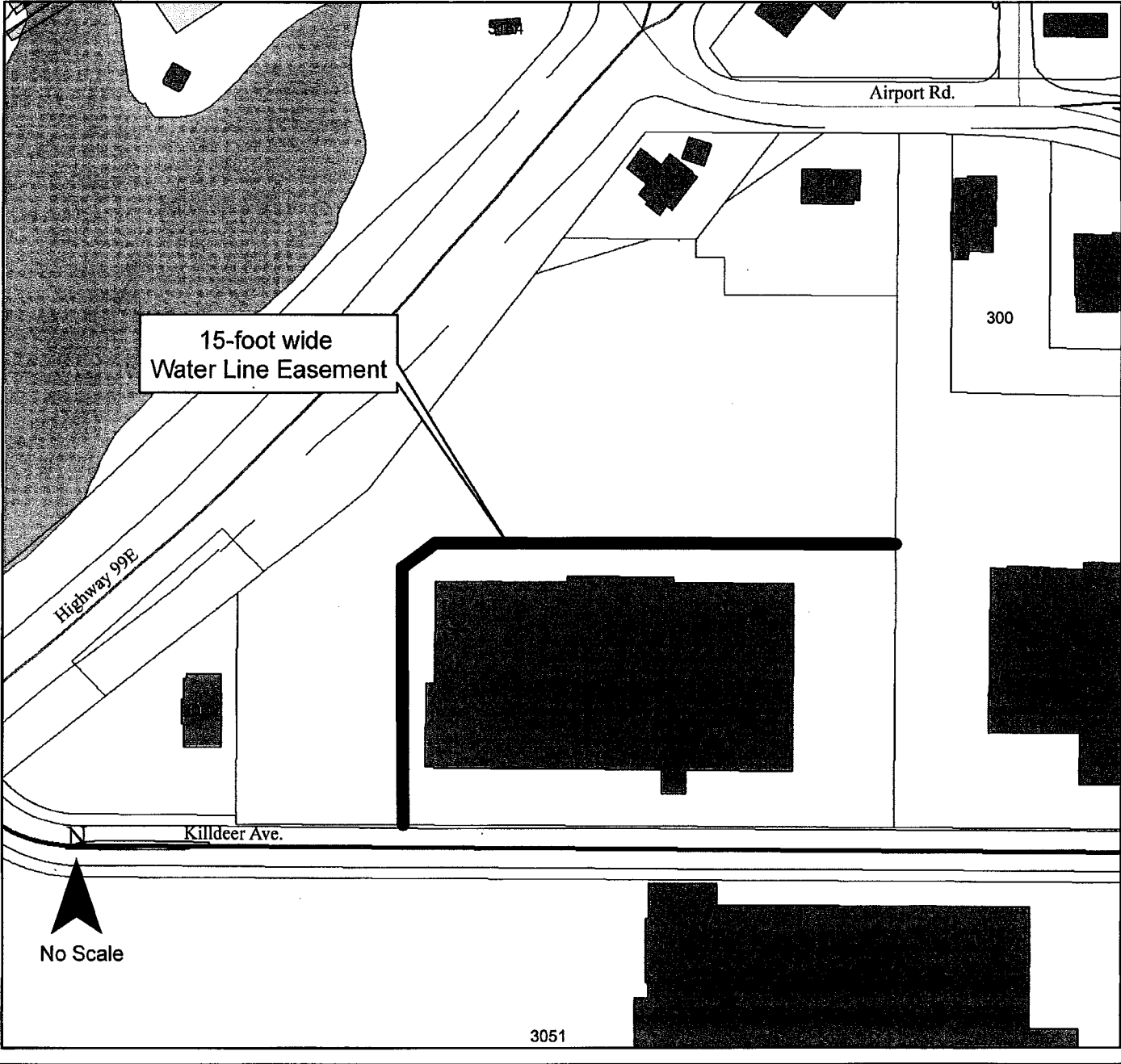
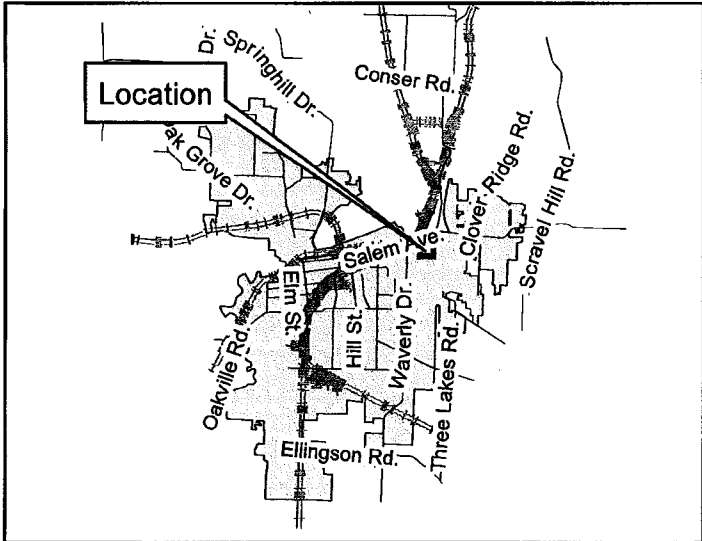
EXHIBIT C

11S03W04CB- 00107

A 15 foot wide Water Line Easement, as part of the Winco Development Project



Geographic Information Services



3051

LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2017-12677**
E-EAS
Cnt=1 Str=44 COUNTER **07/17/2017 02:57:52 PM**
\$60.00 \$11.00 \$20.00 \$19.00 \$10.00 **\$120.00**



I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Steve Druckenmiller - County Clerk



After Recording Return To:

City of Albany City Clerk

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

Waverly Land Management

1. Name/Title of Transaction - by ORS 205.234 (a)

Water Line Easement

2. Grantor/Direct Party - required by ORS 205.125(1)(b) and ORS 205.160

Waverly Land Management

3. Grantee/Indirect Party - required by ORS 205.125(1)(a) and ORS 205.160

City of Albany

4. True and Actual Consideration (if there is one), ORS 93.030

\$1.00

Rec 10/1/17